

Right of Way

3c - Donations

Should the LPA plan their project expecting all property to be donated?

No. All property owners are entitled to be paid just compensation for their property, which includes temporary and permanent easements and damages to the value of the remaining property.

If the property owner desires, can they donate their property?

Yes. The property owner has a right to just compensation. After having explained that right to the owner, both verbally and by way of the acquisition brochure, the LPA can ask the owner to donate their property rights.

If agreeable, this will eliminate the need for any type of property valuation. The owner may donate for no compensation, compensation for fencing only, or in exchange for certain beneficial construction features.

The LPA must follow the process outlined in the [Right of Way Acquisition Guide for Local Public Agencies](#).

If a resident donates property and doesn't ask for compensation, does there still have to be an appraisal and offer?

Federal Uniform Act requirements call for the acquiring agency to formally advise the property owner of their right to have an appraisal of the property performed by a prequalified appraiser as well as the opportunity to accompany the appraiser when inspecting the property. The property owner also has the right to receive the appraised value for the property rights being sought. If the owner chooses to donate, an appraisal is not required if the owner donating the property releases the Agency from its obligation to appraise the property by executing the LPA Donation Form.

<http://www.nebraskatransportation.org/roway/pdfs/lpa/Attachments/ap-2.pdf>.

Not every acquisition, such as strip takes or temporary easements, necessitates a full appraisal report. The LPA should contact NDOR for guidance.

When can you accept a ROW donation?

You can accept a property donation at anytime, but you cannot solicit a donation until the Local Projects Division has given notice to proceed with acquisitions for the project. See the answer above and contact NDOR for further guidance.
